

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Terry Gibson,)	C/A No. 3:13-2490-JFA-PJG
)	
Plaintiff,)	
v.)	ORDER
)	
Joenathan Chaplin,)	
)	
Defendant.)	
)	

The *pro se* plaintiff, Terry Gibson, is a pretrial detainee at the Fairfield County Detention Center. He brings this action under 42 U.S.C. § 1983 contending that he had to hire a second private attorney to defend him in his criminal case.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the complaint should be summarily dismissed. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on October 21, 2013. However, the plaintiff failed to file objections and the deadline within which to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

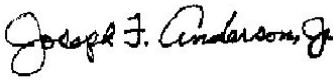
The Magistrate Judge correctly opines that this court does not have subject matter jurisdiction over this case against the plaintiff's former private attorney who did not act under color of state law and that the allegations contained in the complaint are insufficient to show that the case in one arising under the Constitution, laws, or treaties of the United States.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is adopted and incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 21, 2013
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge